

**OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management**

**MEMORANDUM OM 11-71(NxGen)**

**July 29, 2011**

**TO:** All Regional Directors, Officers-in-Charge,  
and Resident Officers

**FROM:** Richard A. Siegel, Associate General Counsel

**SUBJECT:** Use of NxGen Templates

This memorandum addresses questions raised during the NxGen deployment to the Regions where certain staff have inquired whether Regions must use the available NxGen templates or if they can be modified to include a letterhead or other language that a Region prefers. While comments and suggestions about the templates are welcome, except for the affidavit, charge, petition, and election agreement templates, Regions are expected to use the NxGen templates without changes except when changes are needed to make the document substantively or procedurally correct for a particular case. While the use of uniform templates is more efficient and will save resources, most importantly it ensures that the data input in the NxGen system is accurate. The data integrity of NxGen is essential for us to be able to confidently rely on the reports and queries it generates. The development of the templates, the policy on use of the templates, changes made by the templates, and suggested new templates or changes to existing templates are discussed below.

**Development of Templates**

As explained in OM Memorandum 11-20, the NxGen templates were developed by four committees of Field personnel and will be centrally updated. All Regional offices are required to use the same basic documents and changes will be managed through NxGen.

The committees that developed the templates worked with the guiding principles of making documents uniform across the Regions and easily understandable, taking advantage of automation available with the NxGen correspondence software.

**Policy on Use of the Templates**

Uniformity in Regional documents ensures that updates can be managed centrally and Regional Offices will not need to expend resources to maintain the templates. Uniformity in the documents will enable those who practice with the Agency to know what to expect when dealing with us and will eliminate situations where parties point to disparities in procedures among regions.

We do recognize that templates may not be available for some documents and sometimes it may not be feasible for agents to use templates. Accordingly, although use of the templates within the NxGen system is strongly encouraged, we will not require Regional Offices to use the affidavit, charge, petition, and election agreement templates. All other templates should be used absent a specific need for a modification for a particular case.

We believe that using the NxGen templates is desirable because it guarantees that users are using up-to-date language in their documents and ensures that the data in NxGen will be accurate because that data also appears in the documents.

### **Changes Made by the Templates**

As noted in OM Memorandum 11-20, the templates have made some changes in previous language and practice for some Regions. Highlighted below are some aspects of the templates that may be of interest to you.

**1. Affidavit Template:** The oath is the same for face-to-face and telephone affidavits (I state under penalty of perjury) because that language appears stronger than the traditional oath. The county and state on the top left of the affidavit has been omitted because some locations are not in counties and that additional information served no necessary function, since the city and state are included in the Board agent attestation.

**2. Docket Letters:** In accordance with OM Memorandum 10-56, docket letters include the name and phone number of the supervisor of the assigned agent. When the agent is located in a resident office, the agent's address will be added to the letter. The Board agent's email is not included in an effort to encourage e-filing rather than e-mailing documents. Board Agents are free to advise the parties of their e-mail address in their subsequent correspondence.

**3. RC, RD, and RM Docket Letters:** A Notice of Hearing is included with the docket letters in RC, RD and RM cases setting a hearing for 10 days from the date the petition is filed, or the next business day thereafter. The committee felt that this practice best ensured that a timely hearing would be held if necessary, gave the parties a deadline to reach an election agreement, and would permit the hearing to be rescheduled if necessary.

**4. Informal Settlement Agreement:** The informal settlement agreement has options for the user to choose the type of posting (posting at the facility, mail, electronic posting or email) and has optional language for common violations such as 8(a)(1) interrogation, threats, and surveillance, 8(a)(3) discipline and discharge, and 8(a)(5) failure to provide information and unilateral change. Upon selection of appropriate options, the proposed notice language for these and other violations becomes part of the document you can review.

**5. Stipulated Election Agreement:** The order of the paragraphs in the "stip" has been changed to be more logical. It begins with procedural matters, commerce, and

labor organization status (new), followed by election date, unit, ballot, accommodations, observers, tally, and post-election and runoff issues. The user will have the option to add special formulas such as *Daniel/Steiny* and *Davison-Paxon* and/or to add language about comingling the ballots. The user will specify if the election is manual, mail, or mixed manual/mail and will be given appropriate fields to complete for mail or partial mail ballot elections.

**6. Letter Approving Withdrawal Request:** Although some Regions have been addressing the letter approving the withdrawal request to the charging party, the template follows the Support Staff Manual and addresses the letter approving the withdrawal request to the charged party Legal Representative or the charged party if there is no legal representative. Of course, the charging party is courtesy copied with the letter.

**7. Appeal Language in C Cases:** With the concurrence of the Office of Appeals, the appeal language for dismissal letters, *Collyer* deferral letters, and approval of unilateral settlement agreements has been changed to omit mention of the requirement that a charging party send a copy of the Notice of Appeal to the other parties to the case. Since the Office of Appeals routinely sends a letter acknowledging an appeal to all parties to the case and Section 102.19 of the Board's Rules specifically states that the charging party's failure to send the Notice of Appeal will not affect the validity of the appeal, it was determined that mentioning the requirement was not necessary.

**8. Upper Case Names and Addresses in the Documents:** As a result of data cleansing that checks the accuracy of addresses and eliminates duplicate participants, names and addresses are changed to upper case and appear that way in the documents. We recognize that this may take some getting used to but this is an element of the software over which we have no control. In addition, this format is one recommended by the Postal Service, and may provide the Agency with savings when we send out bulk mailings.

#### **Suggested New Templates or Changes to Existing Templates**

Suggestions for changes to existing templates are welcome and will be considered by the template committees. Users may also suggest that new templates be developed. All such suggestions should be sent to the Help Desk so they can be logged and considered.

If you have any questions about this memorandum, you may contact your AGC or deputy, or DAGC Dottie Wilson.

/s/  
R. A. S.

cc: NLRBU

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